

Notice of Allowability**Application No.**

10/801,156

Applicant(s)

CHU ET AL

Examiner

Nicholas D. Rosen

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the RCE and amendment of December 28, 2010.
2. ☒ The allowed claim(s) is/are 1-36,38-47 and 49-52.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

/Nicholas D. Rosen/
Primary Examiner, Art Unit 3625

DETAILED ACTION

Claims 1-36, 38-47, and 49-51 have been considered.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114 was filed in this application after a decision by the Board of Patent Appeals and Interferences, but before the filing of a Notice of Appeal to the Court of Appeals for the Federal Circuit or the commencement of a civil action. Since this application is eligible for continued examination under 37 CFR 1.114 and the fee set forth in 37 CFR 1.17(e) has been timely paid, the appeal has been withdrawn pursuant to 37 CFR 1.114 and prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on December 28, 2010 has been entered.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with attorney Charles Bieneman on February 22, 2011.

The application has been amended as follows:

In the twenty-fifth and last line of claim 1, "amount for the listing on the priority metric" is hereby amended to read, "amount for the listing on the at least one priority metric".

Claim 39 is hereby amended to read:

An information distribution system, comprising:

a depository of information, said depository including a plurality of listings, said plurality of listings including an enhanced listing, said enhanced listing including an enhanced format attribute; and

a server device configured to receive a plurality of requests and to generate a plurality of responses, wherein each response is generated using at least one request and said depository of information, wherein at least one listing is excluded from said response on the basis of said request, wherein said enhanced listing is associated with an enhanced display fee and is included in at least one said response, wherein a priority metric influences placement of said enhanced listing within said response, and wherein the enhanced display fee associated with said enhanced listing lowers the impact of a per-hit fee amount for the listing on the priority metric.

Claim 44 is hereby amended to read:

A method for transmitting information, comprising:

receiving advertising information from an advertiser;

using the advertising information to create a listing associated with the advertiser;

allowing the advertiser to enhance the display attributes of the listing in exchange for an enhanced display fee;

displaying the listing with enhanced display attributes on a user interface of an access device in response to a request by a user, wherein a priority metric influences placement of said enhanced listing within said response, and wherein the enhanced display fee associated with said enhanced listing lowers the impact of a per-hit fee amount for the listing on the priority metric.

Allowable Subject Matter

Claims 1-36, 38, and 52 are allowed.

The following is an examiner's statement of reasons for allowance: The closest prior art of record, Littlefield et al. (U.S. Patent 6,564,208), discloses an information distribution system, comprising: a sponsor subsystem, said sponsor subsystem including: a plurality of listing attributes; a plurality of listings, wherein each listing includes at least one listing attribute, wherein said plurality of listings include an enhanced listing; and a plurality of format attributes, including a first format attribute and a second format attribute, wherein said first format attribute is associated with said enhanced listing and wherein said second format attribute is associated with at least one said listing that is not said enhanced listing (column 4, lines 24-47, the default settings for font, size, etc., in non-enhanced listings being taken as second format attributes); a user subsystem, said user subsystem including: a request, said user subsystem providing for the receipt of said request; and a response, said user

subsystem providing for said response (column 5, lines 12-67; Figures 1A and 1B; the request being implied by the search); and an administrator subsystem, said administrator subsystem including: a response heuristic, said response heuristic providing for selectively identifying a subset of listings to be included in the response, wherein said subset of listings includes said enhanced listing (column 5, lines 12-67; Figure 1B); at least one priority metric, wherein each listing in a response is associated with at least one priority metric (column 2, lines 6-30; note also column 4, lines 15-20); an enhanced display fee, wherein said enhanced display fee is associated with the enhanced listing (column 4, lines 1-14); and a placement heuristic, wherein said placement heuristic provides for arranging said subset of listings within said response, wherein the placement of each said listing is influenced by at least one priority metric associated with the listing (column 2, lines 6-30; column 5, lines 12-67; Figures 1A and 1B). Littlefield does not expressly disclose that the placement of the enhanced listing is not influenced by the enhanced display fee, but does show sample orderings in which enhanced listings are interspersed with unenhanced listings, unenhanced listings appearing before enhanced listings (Figures 1A and 1B; column 5, lines 12-48); Littlefield also teaches as prior art ordering listings based expected relevance to a user's search (column 2, lines 6-30), with no teaching that in his own invention, the placement of the displayed listings is influenced by the enhanced display fee; and Littlefield teaches that an advantage of his invention is enabling web page owners to compete for the attention of the users of a search engine through enhanced listings ("non-default content"), reducing the incentive to attempt to obtain higher search

rankings by manipulation (column 4, lines 15-20). Thus, Littlefield implies that placement of the listings is not influenced by the enhanced display fee, making it obvious for this to be done for at least the stated advantage of reducing the incentive to attempt to obtain higher search rankings by manipulation (or even payment), and the implied advantage of thus displaying the listings most likely to be relevant first, saving users the trouble of searching through a larger number of listings to find something relevant. Littlefield does not expressly disclose using a plurality of priority metrics together, but does disclose that the specific techniques for determining a ranking will vary from implementation to implementation (column 2, lines 6-17). However, neither Littlefield nor any other prior art of record discloses or suggests that the enhanced display fee associated with the enhanced listing lowers the impact of a per-hit fee amount for the listing on the at least one priority metric.

Based on the specification and drawings, and on the precedent of claims in similar format having been issued before, claim 1 is interpreted as reciting physical devices, or components of at least one physical device, not pure software or data structures.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Claims 39-43 are allowed.

The following is an examiner's statement of reasons for allowance: The closest prior art of record, Littlefield et al. (U.S. Patent 6,564,208), discloses an information distribution system, comprising: a depository of information, said depository including a plurality of listings, said plurality of listings including an enhanced listing, said enhanced listing including an enhanced format attribute (column 4, lines 1-47); and a server configured to receive a plurality of requests and to generate a plurality of responses, wherein each response is generated using at least one request and said depository of information, and wherein said enhanced listing is associated with an enhanced display fee (column 4, lines 1-14) and is included in at least one response (column 4, lines 42-47; column 5, lines 12-67; Figures 1A and 1B). Littlefield does not expressly disclose that at least one listing is excluded from said response on the basis of said request, but it is well known for listings to be excluded from search engines' responses to requests based on the requests; search engines don't include all known web pages as listings in a response, but exclude pages of apparent low relevance. Littlefield discloses a priority metric influencing placement of search results (column 2, lines 6-30), and discloses enhanced listings place within responses (column 3, line 58, through column 4, line 20; Figures 1A and 1B), implying some priority metric to determine or influence their placement. However, neither Littlefield nor any other prior art of record discloses or suggests that the enhanced display associated with the enhanced listing lowers the impact of a per-hit fee amount for the listing on the priority metric.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Claims 44-47 and 49-51 are allowed.

The following is an examiner's statement of reasons for allowance: The closest prior art of record, Littlefield et al. (U.S. Patent 6,564,208), discloses a method for transmitting information, comprising: receiving advertising information from an advertiser; (in one alternative) using the advertising information to create a listing associated with the advertiser (column 4, lines 1-55); allowing the advertiser to enhance the display attributes of the listing in exchange for an enhanced display fee (ibid; also column 6, lines 1-20); and displaying the listing with enhanced display attributes on a user interface in response to a request by a user (column 5, lines 12-67). In the alternative, column 4 of Littlefield may be considered as disclosing enhancing an existing listing rather than creating a listing, in which case Littlefield's disclosure at column 1, line 56, through column 2, line 30, discloses receiving advertising information from an advertiser; and using the advertising information to create a listing associated with the advertiser.

Littlefield discloses a priority metric influencing placement of search results (column 2, lines 6-30), and discloses enhanced listings place within responses (column 3, line 58, through column 4, line 20; Figures 1A and 1B), implying some priority metric

to determine or influence their placement. However, neither Littlefield nor any other prior art of record discloses or suggests that the enhanced display associated with the enhanced listing lowers the impact of a per-hit fee amount for the listing on the priority metric.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas D. Rosen, whose telephone number is 571-272-6762. The examiner can normally be reached on 8:30 AM - 5:00 PM, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Smith, can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Non-official/draft communications can be faxed to the examiner at 571-273-6762. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you

have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Nicholas D. Rosen/
Primary Examiner, Art Unit 3625
February 22, 2011